

Page Denied

Next 1 Page(s) In Document Denied

OGC 89-50444

1 March 1989

MEMORANDUM FOR: Chief, Security Staff, OL

FROM:

[Redacted]

Associate General Counsel
Chief, Logistics and Procurement Law Division

SUBJECT: DOD Proposal for Subpoena Authority in
Industrial Security Proceedings

STAT

The Office of Congressional Affairs forwarded the attached packet regarding subject issue to this Office for review and comment. Your review would also be appreciated in view of your office's expertise and involvement in industrial security matters. We will be happy to include your comments in our response, or alternatively, you may wish to respond directly to OCA. If you elect the former option, we will need your comments by 3 March (Friday) in order to meet the 6 March (Monday) OCA deadline.

STAT

Attachment
As stated

[Redacted]

L&PLD/OGC, [Redacted] (1 Mar 89)

STAT

DISTRIBUTION:

- Orig - Addressee w/att
- 3 - OGC Registry w/o att
- 1 - [Redacted] Signer w/o att
- 1 - LEGISLATION--GENERAL w/att

STAT

24 February 1989
OCA 0617-89

MEMORANDUM FOR: Deputy General Counsel for Administrative Law
Deputy Director for Personnel Security

FROM: Legislation Division
Office of Congressional Affairs

STAT

SUBJECT: DoD Proposal for Subpoena Authority

1. The Office of Management and Budget has requested the view of the Agency on a DoD draft bill to authorize the General Counsel of DoD to issue subpoenas to compel testimony or the production of records in administrative proceedings that are conducted to determine a person's suitability for access to classified information. The subpoena authority would apply to industrial security proceedings.

2. Please provide your views on this legislative proposal by 6 March so that we can provide a timely response to OMB.

STAT

Attachment as
stated

OCA/LEG, 24 Feb 89

STAT

Distribution:

Orig - addressee(s)

1 - C/ALD/OGC

1 - C/L&PLD/OGC

1 - D/OCA

1 - DDL/OCA

1 - Chrono

1 - OCA Records

1 - OCA/LEG Subj. File

1 - OCARead

STAT



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
February 15, 1989

SPECIAL

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer -

Department of Justice
National Security Council
Central Intelligence Agency
Office of Personnel Management

SUBJECT: Defense draft bill (DOD 101-34), "To authorize the issuing of subpoenas in industrial security proceedings conducted by the Department of Defense to determine whether it is clearly consistent with the national interest to authorize an employee of industry to have access to information classified Confidential, Secret, or Top Secret pursuant to Executive order or statute."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than
WEDNESDAY, MARCH 8, 1989

Questions should be referred to Annette Rooney/Sue Thau (395-7300), the legislative analyst in this office.

Ronald K. Peterson

RONALD K. PETERSON for
Assistant Director for
Legislative Reference

Enclosures

cc: D. Gessaman
A. Donahue
T. Thiele
E. Rea
B. Gray
A. D. 1

SPECIAL



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D.C. 20301

Honorable James Wright
Speaker of the House of Representatives
Washington, DC 20503

Dear Mr. Speaker:

Enclosed is a draft of legislation, "To authorize the issuing of subpoenas in industrial security proceedings conducted by the Department of Defense to determine whether it is clearly consistent with the national interest to authorize an employee of industry to have access to information classified Confidential, Secret, or Top Secret pursuant to Executive order or statute."

The proposal is part of the legislative program of the Department of Defense for the 101st Congress, and the Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of the proposal for the consideration of Congress. The Department of Defense recommends that Congress enact the proposal.

Purpose of the Legislation

The proposed legislation would enable the Department of Defense to issue subpoenas to compel testimony or production of evidence in administrative proceedings that are conducted to determine a person's suitability for access to information that is classified Confidential, Secret or Top Secret. Currently, no mechanism exists for the Defense Department to subpoena testimony or production of evidence for such administrative proceedings. Inability to obtain testimony and evidence thwarts efforts to achieve a fair resolution in these cases, and is thus detrimental to the public interest. The proposed legislation would address this problem by establishing a procedure to compel the presentation of testimony or evidence when it cannot be obtained voluntarily.

The draft legislation would accomplish its purpose by adding a new section to Title 10 of the United States Code.

Cost and Budget Data

Enactment of this legislation would cause no increase in budgetary requirements of the Department of Defense.

Sincerely,

Kathleen A. Buck

Enclosure

Page Denied

Next 2 Page(s) In Document Denied